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EXAMINER	
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Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents.

The following allowable claim is suggested for the purpose of an interference:

- 5 A plant regenerated from a plant cell which is susceptible to transformation by Agrobacterium tumefaciens and is transformed to comprise a full length Bacillus thuringiensis crystal protein gene capable of encoding a Bacillus thuringiensis crystal protein of approximately 130-135 kD under control of a promoter such that said gene is expressible in said plant in amounts insecticidal to Lepidopteran insects.

- 10 The suggested claims must be copied exactly, although other claims may be proposed under 37 C.F.R. § 1.605(a).

- 15 APPLICANT SHOULD MAKE THE SUGGESTED CLAIM WITHIN ONE MONTH FROM THE DATE OF THIS LETTER. FAILURE TO DO SO WILL BE CONSIDERED A DISCLAIMER OF THE SUBJECT MATTER OF THIS CLAIM UNDER THE PROVISIONS OF 37 C.F.R. § 1.605(a). THE EXTENSION OF TIME PROVISIONS OF 37 C.F.R. § 1.136(a) DO NOT APPLY TO THIS TIME PERIOD.

Claims 15-46 are considered unpatentable over the above suggested claim.

Elizabeth C. Weimar

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